

Below is an Order of the Court.

The Court has considered the objection of plaintiff to the form of the order set forth below as evidenced by the email attached to Docket No. 79, and the Court having considered the objection, it is HEREBY OVERRULED.



PETER C. McKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re: PETER SZANTO, Debtor.	Case No. 16-33185-pcm11 Adv. Proc. No. 16-03114-PCM ORDER REGARDING PLAINTIFF'S MOTION TO DISMISS OR ALTERNATIVELY, MOTION TO STRIKE-OUT DEFENDANTS' COUNTERCLAIMS
PETER SZANTO, Plaintiffs, v. EVYE SZANTO, VICTOR SZANTO, NICOLE SZANTO, KIMBERLEY SZANTO, MARIETTE SZANTO, ANTHONY SZANTO, AUSTIN BELL, JOHN BARLOW, and BARBARA SZANTO ALEXANDER, Defendants.	

THIS MATTER came before the Court on Plaintiff's Motion to Dismiss or Alternatively, Motion to Strike-out Defendants' Counterclaims [Docket #71] ("Plaintiff's Motion to Dismiss").

Plaintiff Peter Szanto (“Plaintiff”) appeared *in pro per*, and Defendants Evye Szanto, Victor Szanto, Nicole Szanto, Kimberley Szanto, Mariette Szanto, Anthony Szanto, Austin Bell, John Barlow and Barbara Szanto Alexander (“Defendants”) appeared by and through their attorney Nicholas J. Henderson of Motschenbacher & Blattner LLP.

The Court having reviewed the pleadings, having heard the arguments of the parties, and being otherwise duly advised in the premises as follows; now, therefore,

IT IS HEREBY ORDERED as follows:

1. Plaintiff’s Motion to Dismiss is GRANTED IN PART and DENIED IN PART;
2. Plaintiff’s Motion to Dismiss is GRANTED with respect to Defendants’ First Counterclaim for Attorney Fees; Defendants’ First Counterclaim is dismissed without prejudice.
3. Plaintiff’s Motion to Dismiss is DENIED with respect to Defendants’ Second and Third Counterclaims.
4. Plaintiff’s deadline to reply to Defendants’ Counterclaims is May 1, 2017.

###

I certify that I have complied with the requirements of LBR 9021-1(a)(2)(A).

Order Presented by:

MOTSCHENBACHER & BLATTNER, LLP

/s/ Nicholas J. Henderson

Nicholas J. Henderson, OSB #074027

Telephone: 503-417-0500

E-mail: nhenderson@portlaw.com

Attorney for Defendants

PARTIES TO SERVE

ECF-registered parties, and the following party requiring notice by US Mail:

Peter Szanto
PO Box 4614
Portland, OR 97208